

REMARKS

In response to the Office action dated April 6, 2011, Applicants have amend claims 1, 27, and 31, and cancelled claims 4, 7, 8, 11-13, 22, 23, 29, and 30. Support for the amendments to claims 1, 27, and 31 can be found, e.g., in Figure 5 and at page 13, line 29 of the specification. No new matter has been introduced by the above amendments. The Examiner has rejoined withdrawn claims 5, 9, and 10 in this application. *See* the Office action, page 2, 1<sup>st</sup> paragraph. Claims 1-3, 5, 6, 9, 10, 14-21, 24-27, and 31 are presented for examination.

Applicants would like to thank the Examiner for conducting a telephone conference with their counsel on April 22, 2011. During the telephone conference, the Examiner indicated that the amendments above are sufficient to overcome both the same-type and obviousness type double patenting rejections raised in the Office action. Applicants file this reply pursuant to the discussion in the above telephone conference.

Claims 7, 8, 11, 12, 22, 23, 29, and 30 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 5, 6, 9, 10, 20, 21, 27, and 28 of copending Application No. 10/542,840 ("the '840 application"). Applicants have cancelled claims 7, 8, 11, 12, 22, 23, 29, and 30 to obviate this rejection.

Claims 1-27 and 29-31 are rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-25 and 27-29 of the '840 application. Applicants have limited independent claims 1, 27, and 31 to a movable wall containing a slideable plunger. By contrast, none of claims 1-25 and 27-29 of the '840 application recites such a movable wall. In other words, claims 1, 27, and 31 of the present application are substantially different from claims 1-25 and 27-29 of the '840 application. Thus, claims 1, 27, and 31, as well as claims 2, 3, 5, 6, 9, 10, 14-21, and 24-26 depending from claim 1, would not have been obvious over claims 1-25 and 27-29 of the '840 application. Accordingly, Applicants request reconsideration and withdrawal of this rejection.

Applicants submit that the application is now in condition for allowance, an action of which is requested.

Any circumstance in which Applicants have: (a) addressed certain comments of the Examiner does not mean that Applicants concede other comments of the Examiner; (b) made arguments for the patentability of some claims does not mean that there are no other good

Applicant : Roland Frans Cyrille Cornelius Vanblaere et al.  
Serial No. : 10/542,831  
Filed : September 22, 2005  
Page : 9 of 9

Attorney's Docket No.: 25943-0004US1 / IPSp024us

reasons for the patentability of those claims and other claims; or (c) amended or cancelled a claim does not mean that Applicants concede any of the Examiner's positions with respect to that claim or other claims.

Please apply any charges to deposit account 06-1050, referencing Attorney's Docket No. 25943-0004US1.

Respectfully submitted,

Date: May 10, 2011

/Tony Zhang/

Tony Zhang, Ph.D.  
Reg. No. L0256

Customer Number 26161  
Fish & Richardson P.C.  
Telephone: (212) 765-5070  
Facsimile: (877) 769-7945

30608924.doc